

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

AUG 27 2018

David J. Bradley, Clerk

United States of America)

v.)

Case No. U-18-1759-MJesus Javier MARIN Ayala)
DOB: 1980 Citizenship: Mexico)Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 25, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1)	Possession With Intent to Distribute a Controlled Substance/Approximately 23.38 Kilograms of Heroin, a Schedule I Controlled Substance.
21 U.S.C. § 846	Conspiracy with Intent to Distribute a Controlled Substance/Approximately 23.38 Kilograms of Heroin, a Schedule I Controlled Substance.
21 U.S.C. § 952	Illegal Importation of a Controlled Substance/Approximately/Approximately 23.38 Kilograms of Heroin, a Schedule I Controlled Substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

approved by AVSA Alejandra Andrade
on 8/25/18

Sworn to before me and signed in my presence.

Date: 8/27/20188:22 amCity and state: McAllen, Texas

Complainant's signature

Michael A. Blackwood HSI Special Agent

Printed name and title



Judge's signature

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

"ATTACHMENT A"

I, Michael A. Blackwood, am a Special Agent of the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. At approximately 1:18 pm on August 25, 2018, defendant Jesus Javier MARIN Ayala entered the United States through the Pharr, Texas Port of Entry operating a silver 2015 Toyota Corolla bearing Mexico license plate STV-61-17. The vehicle was registered in his name.
2. At the Pharr Port of Entry, MARIN presented a non-immigrant visa to the United States Customs and Border Protection (CBP) officers and was admitted. Prior to leaving the port of entry, MARIN was stopped by a CBP roving team conducting a special operation.
3. Upon approaching MARIN's vehicle, the officers noticed that the panels on the outside of the car appeared to have been tampered with, as they did not fit flush. A device was used by the officers to measure the density of the area and an abnormal reading was obtained.
4. The vehicle was referred for a K-9 examination and a positive alert was given. Further examination revealed 29 packages of a substance that field tested positive for the characteristics of heroin. These packages were hidden in the rocker panels of the vehicle. The total weight was 23.38 kilograms.
5. Homeland Security Investigations (HSI) Special Agent (SA) Michael A. Blackwood and Task Force Officer (TFO) Jesus Cuellar advised MARIN of his Miranda warnings in the Spanish language, which he stated he understood and waived in writing.
6. Post Miranda, MARIN stated that he lives in Monterrey, Mexico and was coming to the US to go shopping at the mall in McAllen, Texas. He was bringing \$1500USD and 6000 Mexican pesos and was coming to buy clothing for himself and his kids. He stated that he was leaving to go back to Monterrey later in the day. A search of his vehicle revealed a laptop and a bag with clothing and toiletries that indicated that he may not have been planning to return later in the day as he had stated.
7. MARIN stated that the vehicle that he was driving belonged to him and that he had bought it two years ago from an individual in Torreon, Mexico for 200,000 Mexican pesos. When asked if he regularly loaned his vehicle to anyone, he stated that he has let his friend "Juan Jose" use it from time to time. The last time that "Juan Jose" used it was on Monday or Tuesday and MARIN stated that he only used it for about 30 minutes.

8. Marin went on to state that only his girlfriend was aware that he was coming to McAllen on today's date. He stated that his friend, who he let use the car recently, was not aware of the fact that he was coming to the US.
9. When asked about his entry into the US on April 14th of this year, he stated that he again came to go shopping at the mall and had returned on the same day. A computer check revealed that on that day, the vehicle that he was driving passed the Falfurrias, Texas checkpoint going north. The vehicle left the US for Mexico on April 28, 2018. Photographic evidence revealed that he was driving the vehicle on both of those occasions.
10. During the interview, MARIN didn't appear to know much about his neighborhood in Monterrey, Mexico. Although he claimed to be employed as a supervisor in the building construction trade, he could not name his employees nor the people who have recently hired him to do any work. He could not provide any phone numbers of any of his employees, stating that he did not even have them saved in his telephone.
11. MARIN was asked if he had ever entered the US through Laredo, Texas. His response was that he had not. Computer checks revealed that he entered Laredo as a pedestrian on June 24, 2017.
12. MARIN maintained that he did not have knowledge of the narcotics that were hidden in his vehicle.
13. HSI SA Blackwood placed MARIN under arrest for violations of 21 USC sections 841, 846 and 952.